

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CELESTE SPICER, AUTUMN BURGESS,
AMY LEDIN, JOSEPH RUSSO, ESTHER
MARTINEZ, LYSETTE ROMAN, AND
SERENA SIYING HUI, on behalf of
themselves and all others similarly situated,

Plaintiff,

-against-

PIER SIXTY, LLC and JAMES KIRSCH,

Defendants.
-----X

SAND, J.

MEMORANDUM AND ORDER

08 Civ. 10240 (LBS)

Defendants' further motion for partial reconsideration is denied.

In response to the motion we have reviewed the merits of our denial of dismissal of claims based on Form Contract Three. We conclude that the ruling was correct regardless of the status of the March 11, 2010 NYDOL Opinion Letter. As we wrote at p.11 "We rely¹ on the March, 2010 NYDOL Letter because it is both reasonable and derived from an understanding of the "underlying operational practices of the New York banquet industry."

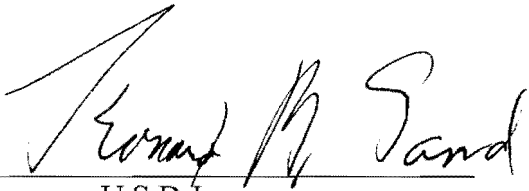
In short having fully considered Defendants' arguments, we are satisfied that formal reconsideration would yield no different determination but would delay implementation of this case which is well underway.

Motion denied.

So Ordered.

¹Writing today we would strike "rely on" and substitute "cite".

Dated: New York, New York
October 13, 2010



U.S.D.J.